IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1602 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BHARATKUMAR NARSINGBHAI PATEL

Versus

REGIOANL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 1602 of 2002

MS ARCHANA U AMIN for Petitioner No. 1

MR DN PATEL for Respondent No. 1

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 01/02/2002

ORAL JUDGEMENT

Rule. Mr. D.N.Patel, learned Standing Counsel appearing for the Government of India waives service of Rule on behalf of the respondent. Heard Ms. Amin,

learned advocate for the petitioner and Mr. Patel, learned standing counsel for the respondent. During the hearing, Ms. Amin, learned advocate for the petitioner has taken me through the petition and documents attached thereto. The petitioner has prayed for necessary direction be given to the respondent authority for correcting the date of birth mentioned in the passport and in support of his contention, the petitioner has relied upon the birth certificate from the record of the Competent Authority as well as school leaving certificate issued by the School authority namely Principal of Smt. V.K. Zaveri Sadhana Vidyalaya, Bharuch dated 22nd September, 1984 showing the birth date of the petitioner as 17.11.1964. As found from the xerox copy of the passport Annexure - C to this petition, which was issued earlier by the authority on 18th September, 1991 mentioning the date of birth of the petitioner as 7.3.1964. The passport of the petitioner, which was issued in the year 1991 has expired and the petitioner has not renewed the said passport on the expiry of the passport. It is the case of the petitioner that while making application earlier for obtaining passport, due to mistake, the date of birth of the petitioner was wrongly mentioned as 7.3.1964 as the petitioner's date of birth is 17th November, 1964. It is submitted that actual date of birth as per the certificate issued by the Competent Authority and school leaving certificate dated 22.9.1984 the birth date of the petitioner may be seen as 17th November, 1964 in the passport instead of 7th March, 1964.

2. The petitioner has approached the respondent authority by submitting representation dated 16.1.2002, requesting the authority to correct the birth date of the petitioner mentioned in the passport. Ms. Amin, learned advocate appearing for the petitioner has submitted that as per the Rules, unless and until the petitioner obtained necessary orders from the Competent Court, it will not be possible for authority to entertain the application/representation for correcting the date of birth and accordingly, she requested that necessary direction be given to the authority.

3. In the aforesaid facts and circumstances and as highlighted in the petition that the actual birth date as found from the birth certificate issued by Competent Authority and as per school leaving certificate issued by the school authority show that the birth date of the petitioner is 17th November, 1964, it will be in the fitness of the thing, the authority is required to consider for effecting the change of birth date in the

pass port of the petitioner. Accordingly, the respondent authority is directed to consider the request made by the petitioner for change of birth date in the pass port of the petitioner issued by the authority and if, it is fit genuine, the authority is directed to effect the change as requested by the petitioner and necessary steps be taken for correcting the birth date of the petitioner in the pass port.

4. Ms. Amin, learned advocate for the petitioner has stated that the petitioner will promptly apply for new passport and the respondent authority is required to examine the application of the petitioner as expeditiously as possible. It is directed that if the petitioner will apply fresh, the application of the petitioner will decide as expeditiously as possible.

5. With these observations, this petition is disposed of. It is further directed that respondent authority will be at liberty to pass appropriate order with regard to the costs of proceedings of new pass port and the petitioner is required to pay all the costs. Direct service permitted.

(D.K.Trivedi,J.)

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